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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

HALL MC-NEAL WHITE,
Plaintiff

v.

13 cv 7441 (MAS)
(TJB)

LENNOX S. HINDS, and STEVENS,
HINDS & WHITE, PC,

Defendants

DECLARATION

:

Aaron David Frishberg declares under penalties of perjury pursuant to federal law, as follows

1. I am the attorney for Defendants herein. I make this declaration in support of a motion to dismiss.
2. Defendants received the summons and complaint in this action after Plaintiff paid the filing fee following this Court's denial of poor person's relief.
3. Defendants' earlier motion to dismiss for lack of subject matter jurisdiction was denied by this Court as premature, without prejudice to bring on the motion if Plaintiff satisfied the requirement of a satisfactory poor person's affidavit, or paid the filing fee.
4. Insofar as the allegations of the Complaint (Dkt. No. 1, with Exhibits) can be understood, they appear to allege legal malpractice in the prosecution of a civil rights suit by Defendants on behalf of Plaintiff. Obviously, the mere fact that the alleged malpractice

is in the context of federal civil rights litigation does not transform Plaintiff's claims into a colorable claim for deprivation of his federal civil rights by Defendants, who are not state actors. Therefore, there is no federal question jurisdiction.

5. Moreover, Defendant Lennox S. Hinds resides at 42 Van Doren Avenue, Somerset, New Jersey, the same state where Plaintiff resides, so that there is no diversity of citizenship jurisdiction. This Court therefore lacks subject-matter jurisdiction over the within suit.

STATEMENT THAT NO BRIEF IS REQUIRED

6. Because the issues of lack of subject-matter jurisdiction are self-apparent, it is respectfully submitted that no brief is required in support of this motion.

Respectfully submitted,

/s/ Aaron David Frishberg

Aaron David Frishberg (AF-6139)
Attorney for Defendants